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March 30, 2015

Mr. Robert Jones
U.S. Army Corps of Engineers
Galveston District, Regulatory Branch
5151 Flynn Parkway, Suite 306
Corpus Christi, TX 78411-4318

Re: Permit Application Number SWG-2014-00408
Texas Department of Transportation – Corpus Christi District

Dear Mr. Jones:

Texas Parks and Wildlife Department (TPWD) has reviewed the Public Notice (PN) dated February 26, 2015 for permit application number SWG-2014-00408. The applicant requests authorization to construct a new U.S. 181 Harbor Bridge 1,000 feet west of the currently existing U.S. 181 Harbor Bridge that will provide 205 feet of clearance over the Corpus Christi Ship Channel (CCSC). The project site is located in waters adjacent to the CCSC along U.S. 181, in Corpus Christi, Nueces County, Texas.

Temporary and permanent impacts include cofferdams for the dewatering and placement of the footings, construction of both northbound and southbound frontage roads, connections of frontage roads to other streets and both the south and north approaches of U.S. 181 to the main bridge span. No dredging activities are proposed as part of the project. The wetland delineation, which was verified by the U.S. Army Corps of Engineers on September 16, 2014, indicates that the project would result in 0.87 acres of temporary impacts and 1.53 acres of permanent impacts to waters of the U.S.

TPWD provided multiple recommendations for avoiding and minimizing impacts to fish and wildlife resources in response to the Draft Environmental Impact Statement (DEIS). TPWD appreciates the applicant's efforts to incorporate many of these recommendations into the Final EIS (FEIS). For example, Tables 3.13-1 and 4.16-2 were revised in the FEIS to include the Gulf saltmarsh snake (*Nerodia Clarkii*) as a state-listed rare species. However, the Environmental Permits, Issues and Commitments (EPIC) section of the FEIS does not specifically include the Gulf saltmarsh snake when describing measures to be taken to avoid and minimize impacts to individuals of state-listed or rare species. Gulf saltmarsh snake habitat occurs within the project area and this rare species is vulnerable to earth moving activities.

Recommendation: TPWD recommends that specific notes be inserted into the construction plans that indicate the potential presence of these species and instruct the contractor to avoid impacting them. The contractor should be briefed on the species appearance and habitat preferences prior to construction and instructed to cease activities in the vicinity of the protected species, if encountered, for a sufficient amount of time to enable escape or relocation.

Demolition activities, such as the use of high energy source charges (explosives) have resulted in documented fish and wildlife mortalities. The demolition contractor should employ the least intrusive and damaging methods to accomplish their goals. Section

9.10.1 of the FEIS states, that prior to demolition, the contractor responsible for demolition activities would coordinate with the local TPWD Kills and Spills Team (KAST) biologist. Additional coordination and/or authorization may be required for dewatering activities. The TPWD point of contact for pre-coordination is Regional Response Coordinator, Alex Nunez (361-825-3246; email: alex.nunez@tpwd.texas.gov).

In addition, the applicant should advise contractors that they may be liable for both the replacement cost (Parks and Wildlife Code 12.301) of fish and wildlife mortalities and the actual cost of any associated investigation incurred by the department caused by this proposed project.

The PN states that the proposed project would impact a total of 2.4 acres of waters of the U.S. The information provided on Sheets 12-28 of 28 of the project plans only details 1.549 acres of total impacts. The FEIS does not provide any greater level of detail regarding aquatic impacts and both the PN and the FEIS lack specific information regarding types and amounts of aquatic resources to be impacted.

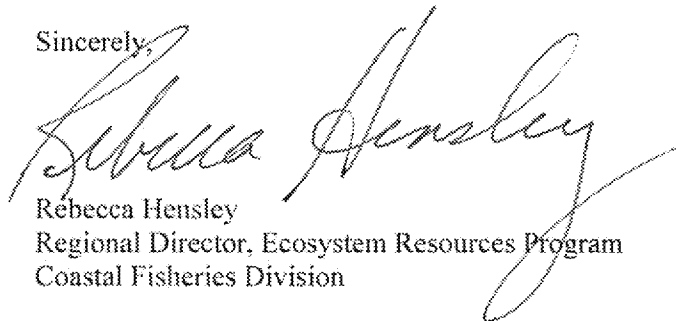
Recommendation: TPWD requests that the applicant provide revised plans that include detailed information that quantifies all impacts to waters of the U.S. (permanent and temporary) as well as a description of each aquatic resource type and dominant vegetation.

Based on the information provided in the PN, TPWD cannot determine if the proposed compensatory mitigation will provide adequate compensation for aquatic impacts. From a conceptual standpoint, however, both sites would implement a preferred compensatory mitigation strategy by creating wetlands from previously disturbed uplands and/or enhancing existing wetlands by removing abandoned structures.

Recommendation: Once the applicant has addressed the concerns regarding the quantity and types of proposed impacts to aquatic resources, the applicant should develop a complete compensatory mitigation plan.

TPWD recommends that the applicant incorporate the above recommendations into revised plans for resource agency review. Questions can be directed to Ms. Jackie Robinson (361-825-3241) or Ms. Leslie Koza (361-825-2329) in Corpus Christi.

Sincerely,



Rebecca Hensley
Regional Director, Ecosystem Resources Program
Coastal Fisheries Division

RH:LK:JR